

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 06036**, from County I Industrial District to City I-1 Industrial District, requested by the Director of Planning, on property generally located at the northwest corner of 134th and "O" Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/21/06
Administrative Action: 06/21/06

STAFF RECOMMENDATION: Approval

RECOMMENDATION: Approval (8-0: Cornelius, Taylor, Strand, Larson, Carroll, Sunderman, Krieser and Carlson voting 'yes'; Esseks absent).

FINDINGS OF FACT:

1. This is a request by the Director of Planning to rezone property which is now in the city's three-mile jurisdiction due to recent annexations in the area. Once the three-mile limit envelops land that is within county jurisdiction, the zoning ordinance directs the Planning Director "to initiate a change of zone to the appropriate city zoning classification closest in use and area regulations to the previous county zoning."
2. The staff recommendation to approve the change of zone request is based upon the "*Analysis*" as set forth on p.3, concluding that recent annexations have expanded the city zoning jurisdiction to include these properties which were previously under county jurisdiction. I-1 is the city zoning designation most similar to the county I Industrial district.
3. The minutes of the public hearing before the Planning Commission are found on p.5-6.
4. Bob Creager testified on behalf of one of the property owners, Skoda Development Company, to seek assurance that this change of zone would not affect the existing or immediately planned uses for the Skoda property (p.5).
5. Staff indicated that the I-1 zoning designation will accommodate the owner's existing and planned uses for the property. I-1 is the most liberal district in the city. (p.5)
6. There was no testimony in opposition.
7. On June 21, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 3, 2006

REVIEWED BY: _____

DATE: July 3, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.06036

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 21, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #06036

PROPOSAL: Change from county I Industrial zoning district to city I-1 Industrial zoning district on property now within Lincoln's zoning jurisdiction.

LOCATION: Northwest corner of 134th and "O" Streets

LAND AREA: 75.79 acres, more or less

EXISTING ZONING: County I Industrial

CONCLUSION: Due to recent annexations, Lincoln zoning jurisdiction has expanded to include these properties, previously under the county's jurisdiction. The Zoning Ordinance directs the Planning Director to change the zoning from the existing county designation to the most similar city designation.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Parcel 1: Lots 31, 49, and 50 of Irregular Tracts, located in the SW1/4 of Section 21 T10N R8E, Lancaster County, Nebraska.

Parcel 2: Lot 33 of Irregular Tracts, located in the SW1/4 of Section 21 T10N R8E, Lancaster County, Nebraska.

EXISTING LAND USE:

Parcel 1: Manufacturing/Assembly

Parcel 2: Mini-storage and warehouse

SURROUNDING LAND USE AND ZONING:

North:	Agricultural	AG Agricultural
South:	Acreages	AG Agricultural
East:	Acreages	AG Agricultural
West:	Agricultural	AG Agricultural

HISTORY:

Apr 2006 Annexation #04003 added approximately 318 acres to the City in an area generally bounded by "O" and Holdrege Streets, from 95th Street to 104th Street.

1950s This property has been zoned I Industrial since sometime in the 1950s.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this property as Industrial. (F 25)

ANALYSIS:

1. This is a request by the Planning Director to rezone property from the county I Industrial district to the city I-1 Industrial district.
2. The City of Lincoln has zoning jurisdiction over the unincorporated areas within three miles of its corporate limits. When additional property is annexed into the city, this 3-mile limit expands accordingly. Once the 3-mile limit envelops land that is within county jurisdiction, LMC §27.05.050 directs the Planning Director “to initiate a change of zone to the appropriate city zoning classification closest in use and area regulations to the previous county zoning.”
3. The majority of the new area that falls with Lincoln’s jurisdiction is zoned AG Agricultural or AGR Agricultural Residential. These two districts are identical in the county and city, so no change to these properties is needed.
4. Parcel 1 contains three lots and 34 acres, and is currently used for manufacturing and assembly. Parcel 2 contains one lot and 42 acres, and is currently used for mini-storage and warehousing. Building permit plans submitted for this parcel show several additional building shells, one of which appears intended for a restaurant while several others are divided into bays suitable for small office or retail uses.
5. The County I and City I-1 districts are quite similar. Each allows any legal use not in conflict with other regulations, as well as certain uses that must be approved by special permit. The City I-1 district allows taller buildings and smaller setbacks than the County I district. Parking and signage are regulated in a similar but not identical manner.
6. The existing uses would be allowed by right, without the need for a special permit. They also appear to meet all requirements of the City I-1 district.

Prepared by:

Greg Czaplewski
Planner

Date: May 30, 2006

Applicant: Marvin Krout
Director of Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508
402.441.7491

Owner: Parcel 1:
Parker-Hannifin Corporation
6035 Parkland Boulevard
Cleveland, OH 44124
216.896.3000

Parcel 2:
Skoda Development
14030 "O" Street
Lincoln, NE 68520
402.489.9027

Contact: Greg Czaplewski
Development Review Planner
555 South 10th Street, Suite 213
Lincoln, NE 68508
402.441.7620

CHANGE OF ZONE NO. 06036

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 21, 2006

Members present: Cornelius, Taylor, Strand, Larson, Carroll, Sunderman, Krieser and Carlson; Esseks absent.

Staff recommendation: Approval.

Ex Parte Communications: None

This application was removed from the Consent Agenda and had separate public hearing at the request of Bob Creager.

Staff presentation: Greg Czaplewski of Planning staff explained that this application is really just a technicality. The property is now in the city as a result of some recent annexations. Therefore, it is necessary to change the zoning from a county to a city zoning designation. In this case, there is a spot of industrial zoning. County industrial zoning is different than the city, so to bring this property within the city zoning ordinance, it needs to be changed to a city designation.

Proponents

1. Bob Creager, 1630 K Street, appeared on behalf of **Ron Skoda and Skoda Development Company**, the owner of part of the property in question. The owner is not opposed to the zone change. His client found this rare piece of property on "O" Street that has been zoned industrial since the 1950's. He has started commercial development with mini-warehouses and a house, with another structure intended to be put into a condominium regime (for offices). The report says that the existing uses would be allowed by law, and the designation is close enough that the owner should not be limited in any other fashion. There are recorded proposals to build on this property and Creager wants to make sure that none of these changes will frustrate any existing or immediately planned uses of the property. He does not know where to get this assurance. The report seems to suggest that there will be no change in substance as to how the property can be used.

There was no testimony in opposition.

Staff questions

Czaplewski clarified that the parcel right at the corner is the manufacturing facility that has existed for a number of years; the parcel on the right is the Skoda property. A couple of weeks ago this application was deferred because the staff was initially proposing a change to H-3, which would be more restrictive than the I-1. Upon further review, it was determined that the existing mini-warehousing and some of their plans for future commercial would not work with H-3 so the staff recommendation was revised to I-1, which appears to accommodate what is there as long as they are planning to build what has been shown at the Building & Safety Department. I-1 is the most liberal district in the city. He does not believe it is going to cause this owner any future problems.

Czaplewski also confirmed that a bar or restaurant is an allowed use by right in the I-1 district. There would need to be a special permit for any alcohol sales.

Carlson inquired whether condominiums are allowed in County I zoning. Czaplewski explained that the condo regime being discussed is more a legal issue than something the staff deals with. In essence, it accomplishes subdivision without going through subdivision. It allows them to sell and own different pieces of property without actually subdividing into lots. He does not believe it is a residential regime, but for office. If it became residential in the future, it would need to be changed to a residential district.

ACTION BY PLANNING COMMISSION:

June 21, 2006

Carroll moved approval, seconded by Strand and carried 8-0: Cornelius, Taylor, Strand, Larson, Carroll, Sunderman, Krieser and Carlson voting 'yes'; Esseks absent. This is a recommendation to the City Council.



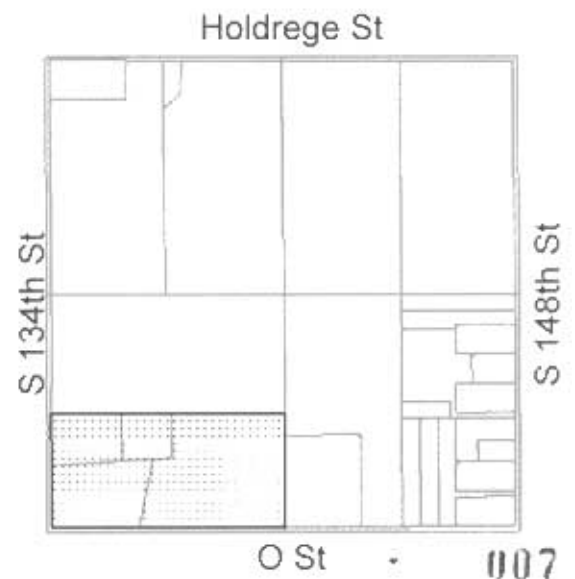
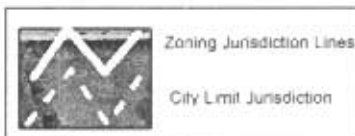
Change of Zone #06036 134th & O Streets

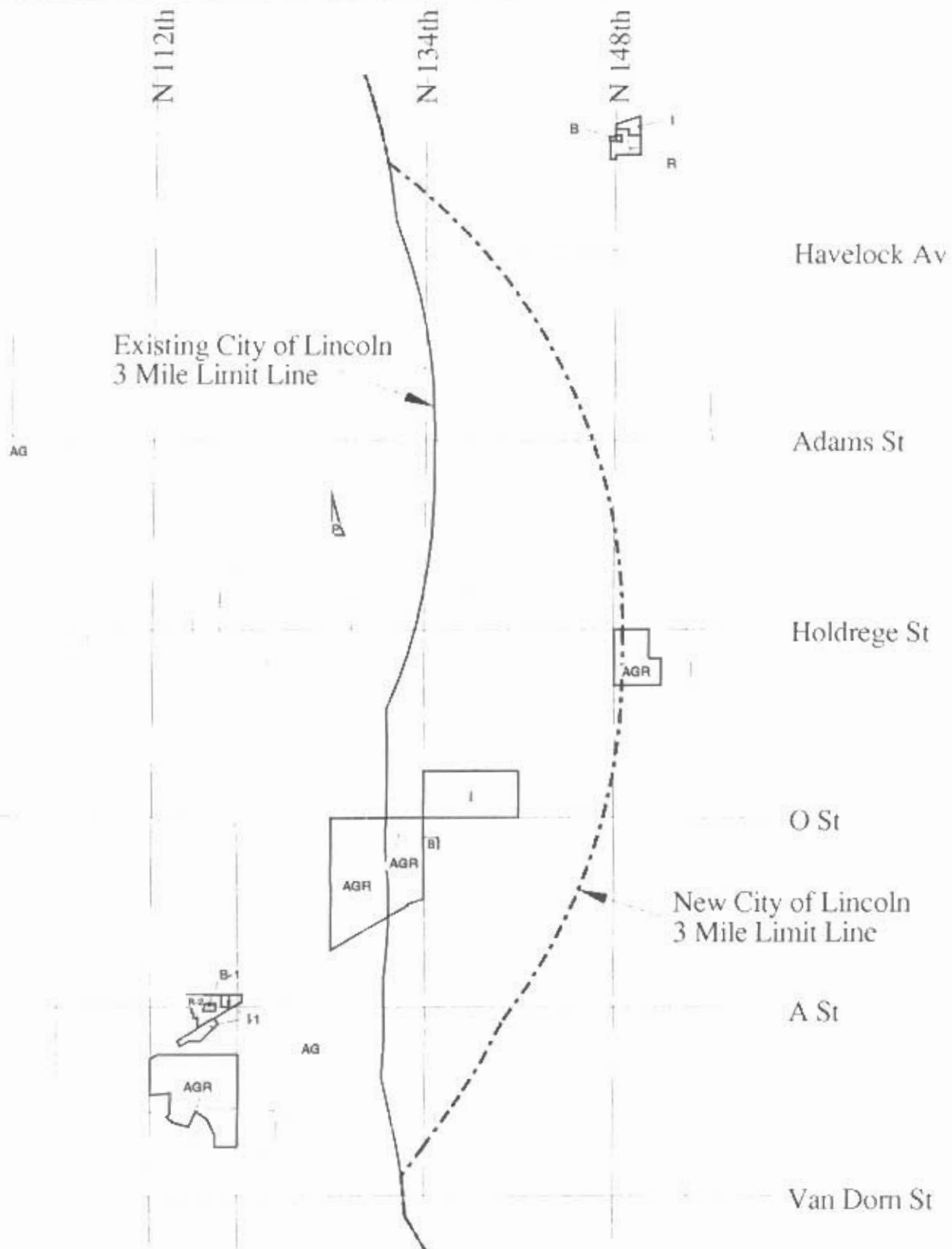
2005 aerial

Zoning:

R-1 to R-4	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 21 T10N R8E





County B and I Zoning that now falls
Inside City of Lincoln 3 Mile Jurisdiction



Scale: 1 Inch = 4100 Feet